

**EAST BRANDYWINE TOWNSHIP BOARD OF SUPERVISORS
REGULAR SESSION
Wednesday, September 17, 2008**

Those in Attendance:

Hudson L. Voltz, Chairman
David A. Kirkner, Vice-Chairman
Jay G. Fischer, Member
Scott T. Piersol, Township Manager
Mark Kocsi, Chief of Police
Matthew T. VanLew, Roadmaster
Stacey Fuller, Esq., Township Solicitor
Mary Beth Smedley, Secretary/Treasurer

The East Brandywine Township Board of Supervisors meeting of Wednesday, September 17, 2008 was called to order by Chairman Voltz at 7:30 P.M. at the East Brandywine Township Municipal Complex. Also in attendance were Lt. Ronald Marshman, Sgt. Raymond Sheller Officer Sean Gregory. Officer Alan Haldeman, Officer Anthony Howe, Officer Jeffrey Myers, Officer Steven Tyree and Officer John Williams from the Brandywine Regional Police Department, John Black, Carl Josephson and James Tobin from the East Brandywine Township Historical Commission, Jane Davidson, East Brandywine Township Historical Consultant and three other visitors.

Opening of Meeting

Chairman Voltz opened the meeting with the Pledge of Allegiance.

Public Comment for Non-Agenda Items

Chairman Voltz asked if there were comments on non-agenda items. There were no comments.

Minutes: Board of Supervisors – August 20, 2008

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Mr. Fischer made a motion to approve the August 20, 2008 minutes as presented. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Minutes: Board of Supervisors – September 4, 2008

Chairman Voltz asked if there were any additions or corrections to the above minutes. There were none. Vice-Chairman Kirkner made a motion to approve the September 4, 2008 minutes as presented. Mr. Fischer seconded the motion, with all voting Aye.

Minutes: Planning Commission Minutes – August 6, 2008

Approval of the Planning Commission Minutes was deferred until the October Board of Supervisor's meeting.

Treasurer's Report

Mrs. Smedley read the account balances as of September 17, 2008. Mr. Fischer made a motion to approve the Treasurer's report and payment of the bills. Vice-Chairman Kirkner seconded the motion, with both voting Aye.

Report: Township Manager's Report

The Township continues to work on the design of the flashing warning light in cooperation with Caln Township. Township Traffic Engineer Andy Heinrich and Bill Conrad from Signal Service met with Roadmaster Matt VanLew and Mr. Piersol on September 8th to discuss the proposed location of the flashing light. Because of the distance between the curves, we are suggesting two flashing lights should be installed, one at Margil Farm Drive in East Brandywine Township, and a second light along Rock Raymond Road west of the hairpin curve, which would be located in Caln Township. This would require two separate permit applications to PennDOT. We are currently waiting for Caln Township's reaction to this suggestion.

Mr. Piersol stated that Township representatives will be meeting with representatives from Caln Township Monday, September 22nd to continue our discussions on the issue of replacing the bridges on East Fisherville Road and Osborne Road. During our initial meeting, both municipalities agreed a short-term need for the East Fisherville Road bridge closure was to create a turn-around area. Both municipalities are hesitant to proceed with plans for the bridge replacements without a guarantee from PennDOT of retroactive reimbursement. Representative Curt Schroder has agreed to work with PennDOT to obtain their agreement for the 80% reimbursement of these projects.

Collection of yard waste materials has been an issue this year. The Township has received a few complaints from residents whose trash was not collected due to the presence of yard waste, which is not to be disposed of in the normal trash collection per the County Solid Waste Authority's guidelines for operation of the LanChester Landfill. Several ideas as to how this service might be provided have been discussed as well as having those who want the service cover the additional cost of this service. Mr. Piersol will be meeting with our hauler in the near future to discuss some of these ideas and how their firm could assist with this service. Mr. Piersol and the waste hauler agree that an initial proposal for curbside collection on an hourly basis would be difficult to administer.

On July 31st, East Brandywine Township hosted a Development Opportunities meeting here to highlight the availability of the Guthriesville General Store Building, and the other opportunities presented by the concept development plan for the Village of Guthriesville. The Township received many inquiries on the General Store, and had a local doctor very interested in purchase of the property. Jane Davidson, who has been assisting the Township with the Programmatic Agreement, reported that the purchase did not proceed due to the cost of the renovations, including the need for a retaining wall, the cumbersome process in the Programmatic Agreement and the short timeline required by Wawa to complete the various steps of the process.

In accordance with the terms of the Programmatic Agreement, the Township has until October 1, 2008 to determine a location for the interpretative display of the Village, which the Board will discuss later this evening. Mr. Piersol thanked the members of the Task Force for their efforts on the project: John Black and the Township Historical Commission, Jane Davidson, Township Historic Consultant, Karen Marshall, the Chester County Historic Preservation Officer, Charles Moore of DNB First, Gary Smith & Thomas McIntyre, Chester County Economic Development Council, and David Sweet, Township Planning Consultant.

A letter from Kathleen Sullivan of Comcast Cable Communications was recently received regarding renewal of our Franchise Agreement with Comcast. They would prefer to reach a mutually satisfactory agreement with the Township through informal discussions. According to our records, our Franchise Agreement with Comcast does not expire until July of 2011.

The Township Municipal Authority has recommended the Township consider adoption of a Holding Tank Ordinance for situations as a temporary measure while alternative disposal options are considered. The Authority has asked if the Board would prefer to have this proposed Ordinance reviewed by the Ordinance Task Force, or whether the Board would prefer the Authority draft the ordinance to be presented to the Supervisors for their consideration and adoption. The Board unanimously agreed that this Ordinance should be prepared by the Municipal Authority and presented to the Board, rather than the Ordinance Task Force.

Drafting work continues on the ATV Ordinance. It has been agreed to remove the language on the noise standards from the ATV Ordinance and update the existing section of the Zoning Ordinance on noise-related issues. The next meeting of the concerned parties will be held here on September 30th at 7:00 PM.

The Open Space Committee has recommended the Board authorize an appraisal for the Forge Hill tract, located at the intersection of Dowlin Forge Road and Creek Road. The owner spoke with Jack Stefferud of Natural Lands Trust recently about the interest of the Township in acquiring a conservation easement on this property. Mr. Stefferud met with the Open Space Committee earlier this month, and has secured a proposal from Robert Bohem for the required property appraisal. The appraisal fee from Mr. Bohem is \$3,000, with a delivery date of 4 weeks from the date of authorization. Mr. Piersol requested the Board authorize this expenditure from the Open Space Fund. He believes Mr. Stefferud also suggested that NLT could prepare a grant application to be submitted to the County Heritage Park Municipal Grant Program Round 21 which is currently open. Applications are due by November 3rd. Mr. Fischer stated that the first step will be to obtain the appraisal. Only if the property owner agrees that the appraised amount is acceptable will the grant application be submitted to the County. Chairman Voltz made a motion to approve the contract for Robert Bohem to appraise the Forge Hill property in the amount of \$3,000. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

Report: Building Inspector/Zoning Officer – Report for August 2008

Mr. Piersol read the Building Inspector/Zoning Officer's Report for August 2008. There were nine building permits issued, nineteen use and occupancy permits issued, and one hundred and seven inspections conducted during the month. The total fees collected were \$2,276.00.

Report: DARC

Chairman Voltz will provide a report on the Downingtown Area Recreation Consortium at the October Board meeting.

Report: Brandywine Regional Police

Vice-Chairman Kirkner reported that Chief Kocsi updated the Commission on the status of part-time officers at the July Regional Police meeting. Two prospective candidates asked to complete a ride-a long-program. This allows candidates to finish most of their field training requirements on a volunteer basis while obtaining hands-on experience.

Recently, the retired K-9 Vic recently developed serious health issues and was euthanized. Vic's handler, Officer John Williams, was granted permission to take Vic out on one last patrol so that officers and residents could say goodbye. Costs for Vic's cremation and purchasing a portrait to honor him will be paid through the Nelo fund. Vic will be missed.

Mr. Bill McQueen, owner of Brandywine Metals, Inc., made a \$1,000.00 donation to the Brandywine Regional Police. A decision regarding the use of the funds will be made at a later date.

Several Wallace Township residents attended the July Brandywine Regional Police meeting to express their concern about the upcoming dissolution of the Regional Police Department.

Report: Police Chief - Police Activity Report for August 2008

Police Activity Report – August 2008

Investigations	173
Traffic Citations	193
Traffic Warnings	30
Traffic Accidents	12
Criminal Arrests	7
Summary Arrests	6

Criminal Investigations – August 2008

Burglary/Criminal Trespass	2
All Assaults	1
Theft/Fraud	3
Disorderly Conduct/ Harassment	2
Disturbances	3
Suspicious Activity/ Persons	20

Domestics	6
Criminal Mischief	4
Juvenile Complaints	0
Missing Persons/ Runaways	1
Driving Under the Influence	3
Fugitive Warrants	4
Drugs	2
Underage Drinking	1
Other	0

Report: Fire Company's Activity Report for August 2008

Mr. Piersol read the Activity Report for the month of August, 2008, as submitted by Fire Chief Robert Zynn, Jr. There were fifty-five total incidents. In East Brandywine Township there were five fire calls and twenty-one QRS calls. In West Brandywine Township there were eight fire calls and twelve QRS calls. The Fire Company provided assistance in Wallace Township, Caln Township, Downingtown Borough, West Caln Township and the City of Coatesville. The Fall Chicken Barbeque will be held Saturday, September 20, 2008 from 4 to 7 P.M. Tickets cost \$10.00.

Mr. Piersol stated that the Fire Company recently received regulations regarding a \$100 tax credit for volunteer personnel. He has asked Vice-Chairman Kirkner to review the regulations and provide advice as to the administration of this credit program.

The East Brandywine Fire Company's annual Fire Prevention Open House will be held Wednesday, October 8th from 6 P.M. to 9 P.M. Also, Fire Company volunteers will be visiting six schools to provide education to the children during Fire Prevention Week.

Subdivision – Hillendale Extension

The Planning Commission is recommending the Board of Supervisors accept an extension to review this subdivision application until December 31, 2008. Mr. Fischer made a motion to accept the extension. Vice-Chairman Voltz seconded the motion, with all voting Aye.

Subdivision – AWI/Croppers Extension

The Planning Commission is recommending the Board accept an extension to review this land development application until December 31, 2008. Mrs. Smedley reported that the Planning Commission is reluctant to make a recommendation for further extensions unless the applicant provides a workable plan to expand the Croppers store. Debbie Shulski, Esq., will attend the December Planning Commission meeting to discuss this. Vice-Chairman Kirkner made a motion to accept this extension. Mr. Fischer seconded the motion, with all voting Aye.

Wawa Programmatic Agreement – Creation of Interpretive Display

Michael Gill, Esq., attended the meeting on behalf of Wawa to discuss placement of an Interpretive Display of the Village of Guthriesville, as outlined in the Programmatic Agreement.

Section 3.D of the Programmatic agreement states that Wawa shall fund and otherwise cause one or more consultants designated by Wawa to design and construct in the interior of the Township Municipal Building (in a location to be determined by the Board of Supervisors on or before October 1, 2008) a permanent exhibit explaining the history of the Village of Guthriesville as nominated as an Historic District. The Pennsylvania State Historic Preservation Officer, the County Historical Preservation Officer and the Historical Commission shall be provided with an opportunity to review and comment on the design, text and layout of the Interpretive Display.

The Township's Historical Consultant has suggested that East Brandywine Township cannot select a specific location at this time because they haven't received concept plans or preliminary drawings that illustrate the size, height or composition. Mr. Fischer suggested that the Board could simply state that the Township will accept the display and that it will be located at the Township Municipal Complex. This will allow the Township flexibility in choosing the most appropriate location, depending on the size and scope of the display. Mr. Gill agreed that this would be sufficient.

Mr. Black stated that this display should include the history of the Village, not just artifacts from the Guthriesville General Store. All parties agreed that was the case. Mr. Gill stated that he was sure articles removed during the architectural salvage of the General Store would be included in the display. Mr. Black has been invited, as outlined in the Programmatic Agreement, to tour the General Store for the purpose of allowing the Historical Commission to identify those removable portions of the building or its interior of which the Township would like to take possession. These items will then be crated and delivered to the Township Municipal Building. Whether these items will be part of the display will be discussed with the Wawa consultants, along with input from the State Historic Preservation Officer, The County Historical Preservation Officer and the Historical Commission.

Mr. Warren Popjoy asked if it has been established whether the terms of the Programmatic Agreement have been satisfied to the satisfaction of the Army Corps of Engineers. Mr. Fischer stated that the Township officials have had no communication with the Army Corps about that.

Mr. John Black asked if the Township could stipulate that there would be no mention of Wawa in the display. Chairman Voltz stated that the Township would not make any decision about that right now. He also stated that Mr. Black, as Chairman of the Historical Commission, would be able to comment on this at a later date.

Mr. Fischer made a motion to name the East Brandywine Township Municipal Complex as the site for the interpretive display. Mr. Kirkner seconded the motion, with all voting Aye.

Resolution 11 of 2008- A Resolution of the East Brandywine Township Board of Supervisors to Establish a Municipal Police department

Chairman Voltz asked the Officers in the audience if they had an opportunity to read the Ordinance and if there were any questions. Officer Alan Haldeman commented that this Resolution simply seemed to be standard procedure. It was explained that Ordinance 99-07 effectively terminated the East Brandywine Police Department in favor of the Brandywine Regional Police Department. Resolution 11 of 2008 does not resurrect the old department, it creates a new department. The newly formed East Brandywine Township Police Department is a different entity than the East Brandywine Township Police Department that had jurisdiction prior to the creation of the Brandywine Regional Police. The Supervisors were asked if there was a chance that the Regional Police Department would continue. Chairman Fischer stated that there was no chance that the Brandywine Regional Police Department would continue to operate past March 25, 2009. This Resolution does not give police authority over East Brandywine Township to the East Brandywine Township Police Department until the Brandywine Regional Police Department dissolves. Chief Kocsi stated that jurisdiction won't be transferred until the Municipal Police Officer's Education and Training Commission (MPOETC) is notified. Mr. Fischer made a motion to adopt Resolution 11 of 2008. Vice-Chairman Kirkner seconded the motion, with all voting Aye.

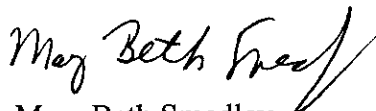
Additional Public Comment

Chairman Voltz asked if there were any additional public comments. Officer Haldeman asked if there was any information the Supervisors could provide about the dissolution of the Police Department. Mr. Fischer stated that East Brandywine Township is waiting to hear from representatives from Wallace Township. The East Brandywine Township Board is willing to move forward to dissolution talks, but it appears that Wallace Township isn't prepared to do that just yet. Mr. Fischer went on to say that this situation is as frustrating to the Township as it is to the officers.

Adjournment

There being no further business, Chairman Voltz made a motion to adjourn the meeting. Vice-Chairman Kirkner seconded the motion, with both voting Aye. The meeting was adjourned at 8:10 P.M.

Respectfully submitted,



Mary Beth Smedley
Secretary/Treasurer

The East Brandywine Township met in Executive Session with their Solicitor, Stacey Fuller, Esq., to discuss legal matters related to the dissolution of the Brandywine Regional Police Department